

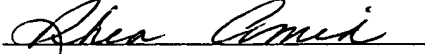


DFW

PATENT
Docket No. 273012010303

CERTIFICATE OF MAILING BY "FIRST CLASS"

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Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ethan D. STERNBERG et al.

Serial No.: 10/825,270

Filing Date: April 14, 2004

For: ETHYLENE GLYCOL ESTERS AS
PHOTOACTIVE AGENTS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Confirmation No. Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/588,206, filed June 6, 2000, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

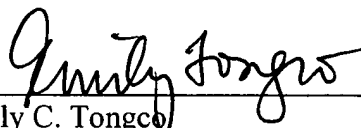
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 273012010303. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 12, 2004

Respectfully submitted,

By: _____


Emily C. Tongco

Reg. No. 46,473

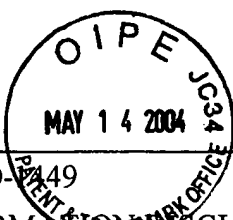
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San Diego, California 92130-2332

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Facsimile: (858) 720-5125



Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket Number 273012010303	Application Number 10/825,270
	Applicant Ethan D. STERNBERG et al.	
	Filing Date April 14, 2004	Group Art Unit Not Yet Assigned
	Mailing Date: May <u>12</u> , 2004	

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	11/1989	4,883,790	Levy et al.	540	145	
	2.	04/1990	4,920,143	Levy et al.	514	410	
	3.	03/1992	5,095,030	Levy et al.	514	410	
	4.	12/1992	5,171,749	Levy et al.	514	410	
	5.	02/1994	5,283,255	Levy et al.	514	410	
	6.	03/1995	5,399,583	Levy et al.	514	410	
	7.	03/1996	5,498,710	Pandey et al.	540	145	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	8.	01/1990	EP 0 352 076	EPO			
	9.	12/1990	WO90/15059	WIPO			
	10.	11/1998	WO98/50386	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	11.	Levy, J. et al. (1996) <i>Proceedings of the SPIE</i> 2625:86-95
	12.	Masutani, M. et al. (1996) <i>Nihon University Journal of Medicine</i> 38(1):5164
	13.	Mosmann, T. et al., <i>J. Immunol. Meth.</i> (1983) 65:55-63
	14.	Oboshi, M. et al. (1997) <i>Transplantation</i> 63(6):810-817
	15.	Richter, A. et al. (1990) <i>Photochemistry and Photobiology</i> 52(3):495-500
	16.	Waterfield, J. et al. (1997) <i>Immunopharmacology and Immunotoxicology</i> 19(1):89-103

EXAMINER: (examiner)

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



PTO/SB/21 (08-03)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/825,270	
	Filing Date	April 14, 2004	
	First Named Inventor	Ethan D. STERNBERG	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	5	Attorney Docket Number	273012010303

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement, 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449, 1 page Return Postcard
<div>Remarks</div> <p>CUSTOMER NO. 25225</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Emily C. Tongco - 46,473
Signature	
Date	May 12, 2004

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Dated: May 12, 2004

Signature: (Rhea Amid)